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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,731	07/28/2003	Manish K. Deliwala	60655.1500	4018

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EXAMINER	
OBEID, FAHD A	

ART UNIT	PAPER NUMBER
3627	

NOTIFICATION DATE	DELIVERY MODE
05/04/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/628,731	DELIWALA ET AL.	
	Examiner	Art Unit	
	FAHD A. OBEID	3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 February 2011*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4 and 6-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4 and 6-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *02/07/2011*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Status of the Application

1. This is in reply to communication filed on 02/16/2011.

2. Claim 5 remain cancelled.

3. Claims 1, 6, 9, 11, and 14 have been amended.

4. Claims 1-4 and 6-17 are currently pending and have been examined.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1-4 and 6-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Driskell (US 6,072,493) in view of Peterson (US 7,020,628).

8. Regarding Claim 1: Driskell discloses a method for tracking costs incurred by an entity comprising a plurality of groups, the method comprising:

- Reading, by the computer based system, a business model (organization hierarchy) file comprising a business dimension within the entity, the business dimension including (abstract):
- organizational information including a list of groups within the entity and a value driver data of the entity, wherein the value driver data is criteria used by the entity to determine if the entity is successful (fig.4, col 26 lns 56-67, & col 29 lns 1-24),
- application profiles information including information identifying computer-related hardware processing tasks, wherein a hardware processing job performed by the provider may comprise at least part of a hardware processing task of one or more groups within the entity (figs.4, 5 and col 21 lns 27-30);
- allocating, by the computer based system, the billing information by associating each of the unique hardware processing job identifiers to a group in the plurality of groups based on the hardware processing task information (fig.4, col 11 lns 58-67, col 23 lns 17-28).
- assessing (analyzing) a technology operational cost in the groups and correlating operational cost to the value driver data (figs.4, 5, & col 7 lns 5-7);
- making a value based decision based on the assessment (figs.4, 5, & col 7 lns 5-7);

Driskell does not explicitly disclose receiving billing information associated with consumption of computer-related hardware processing resource from a provider.

However, Peterson does disclose the following:

- receiving, by a computer based system for managing asset consumption, billing information associated with consumption of computer-related hardware processing resource from a provider, wherein the billing information includes a unique hardware processing job identifier corresponding to each hardware processing job executed by the provider for the entity (abstract, col 1 lns 17-18, and col 4 lns 7-10).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use Peterson's teachings in Driskell's "system and method for associating services information with selected elements of an organization" enabled, for the advantage of monitoring the costs of remote users accessing the computer of the company (Peterson; col 1 lns 27-29).

9. Regarding Claim 2: Driskell discloses the method of claim 1 wherein the business dimensions further comprises:

- a business process (figs.4, 5, col 29 lns 1-24).
- an associated business performance metrics (figs.4, 5, col 29 lns 1-24).

10. Regarding Claim 3: Driskell discloses the method of claim 2 wherein the allocating step further comprises:

- determining a total cost associated with computer-related hardware processing resources from the provider incurred by each group (figs.4 & 5).

11. Regarding Claim 4: Driskell discloses the method of claim 3 wherein the reading step further comprises:

- determining an internal structure of the entity, including the plurality of groups within the entity (figs.4 & 5).
- determining a billing detail of the plurality of groups within the entity (figs.4 & 5).
- determining an application profile of the entity (figs.4 & 5).

12. Regarding Claim 16: Driskell discloses the method of claim 4, further comprising displaying the costs incurred by each group graphically, wherein a comparison of costs for each group is possible (at least fig.4 & col 6 lns 17-20);

13. Regarding Claim 17: Driskell discloses the method of claim 5, further comprising displaying the costs incurred by each group graphically during different time periods (at least fig.4& col 6 lns 17-20).

14. Regarding Claims 6-15: all limitations as recited have been analyzed and rejected with respect to claims 1-4. Claims 6-10 pertains to a system corresponding to the method of claims 1-4. Claims 11-15 pertains to a computer-readable medium having associated instructions corresponding to the method of claims 1-4. Claims 6-15 do not teach or define any new limitations beyond claims 1-4, therefore they are rejected under the same rationale.

Response to Arguments

15. Applicant's arguments have been fully considered but they are not persuasive. In particular the applicant argues that: a) Driskell does not teach "reading … a business model file comprising … a value driver of the entity" wherein the value driver data is the criteria used by the entity to determine if the entity is successful; assessing a technology operational cost in the groups and correlating operational cost to the value driver data; and making a value based decision based on the assessment. b) Peterson does not teach a billing information includes a unique hardware processing job identifier corresponding to each hardware processing job.

In response to a) examiner respectfully disagrees. Applicant is reminded that claims must be given their broadest reasonable interpretation. Driskell teaches a system and method for providing and analyzing information regarding the association of services with elements of an organization (abstract). The system and method may further analyze the services used by elements of an organization at any level in the organizational hierarchy; Displaying an element located at a specific level in the organizational hierarchy and further display all services associated with that element. This allows a user to correlated services to elements for either an entire organization, or if only a specific association is desired, to focus instead on individual elements of the organization (col 6 lns 17-27). The billing analysis and management system includes a plurality of features and functions that may be used in connection with the billing information stored in the billing information database. A customer may use the billing analysis and management system to load the billing information from electronic bills into an element of the customer's computer system. The customer may then review the billing information from the electronic bills on computer screen displays. The customer may also make queries and receive

responses with respect to the billing information. these advantages provide the customer with the ability to use the system to verify that billing information is accurate. The customer may further view the billing information in the form of graphs or charts on screen displays. The customer may use the billing information to maintain a budget and to rebill the billed items or charges to other elements or members of the customer's organization. The customer may further conduct administrative functions with respect to the system and may generate reports based on the billing information (col 16 lns 42-65). The billing analysis and management system provides the customer with screen displays of information such that the customer may review a bill from a service provider, and in particular, may review the charges for billed items on the bill as they are assigned to any particular element of the customer's organization. The system may provide the customer with an invoice screen display such as in fig.10. the elements of the customer's organization are displayed based on the hierarchy of the customer's organization. To view the charges of billed items assigned to any particular element of the customer's organization, the customer may click-on or otherwise activate the particular element of interest in the screen display in the upper left hand quadrant, In response to this activation, the invoice screen displays the charges of billed items assigned to the activated element. As illustrated in the invoice screen display of fig.10, the activated element is the highest ranking element in the organizational hierarchy, i.e., the XYZ corporation. The invoice screen display includes "Hot" areas whose activation results is further information being displayed. These "Hot" areas may include: current monthly chares; monthly charge variance; current usage charges; usage charge variance; current other chares & credits; and other charges & credits variance (col 25 lns 50-67 & col 26 lns 1-13). The billing analysis and management system provides a set of graphs that may be used by the

customer with screen displays to view certain billing information. Through the use of such graphs, the customer is able to spot trends, make cost comparisons, etc. (col 26 lns 37-49). See also (col 28 lns 15-37).

In response to b) examiner respectfully disagrees. Peterson teaches a system and method of tracking computer usage, and costs associated with the computer usage (col 1 lns 17-18). Monitoring the costs of remote users accessing the host computer or computer network of the company, in addition to tracking the usage of computer time and various costs associated with that time (col 1 lns 27-30). Also, the costs associated with remotely dialing up an organization's computer facilities, such as the telephone line charges, are reported separately by each of the one or more long distance line carriers utilized by the remotely located computer users (col 1 lns 33-37). Manipulating the usage and billing data for each of a number of different host computer networks by individual user and by predetermined groups or departments of users at each organization (col 1 lns 58-62). Monitoring access to each of the host computer networks, each computer network provides an associated list of authorized users that is maintained at the ISC, ESS, and NAS. An authorized user accessing a host computer exchanges the information with the NAS via the communication server, each time the user dials in to gain access to his respective host computer network a starting time stamp is created at the beginning of each remote access call received from a user at the communication server (col 3 lns 33-43). The NAS receives an ending time stamp from the communication server at the conclusion of the remote access call when the user hangs up or otherwise disconnects from the host computer network. Following the conclusion of the remote access call, the service bureau stores the starting and ending time stamps in the NAS memory. The starting and ending time stamps are associated in

the user log with the list of authorized users so that the user log contains a record of computer time usage for each authorized user (col 4 lns 1-10). Therefore, the computer usage with the starting and ending time stamps are stored in a memory and are associated in the user log. The user log contains a record of computer time usage for each authorized user which is equivalent to "computer related hardware processing jobs and corresponding unique identifiers". Therefore, Driskell in view of Peterson still meet the scope of the limitation as currently claimed.

Conclusion

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FAHD A. OBEID whose telephone number is (571)270-3324. The examiner can normally be reached on Monday to Friday 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Fahd A Obeid/
Examiner, Art Unit 3627
April 29, 2011